

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

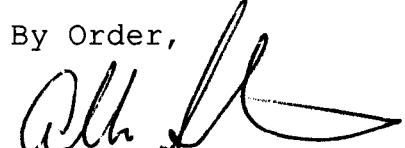
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JOSEPH M. BOTELHO )  
v. Plaintiff, ) C.A. No. 05-338S  
ASHBEL T. WALL, Director, )  
Rhode Island Department of )  
Corrections )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER**

The Report and Recommendation of United States Magistrate Judge Jacob Hagopian filed on February 16, 2006, in the above-captioned matter is accepted pursuant to Title 28 United States Code § 636(b) (1). Defendant's motion to dismiss pursuant to Fed.R.Civ.P.12(b) (1) is DENIED. Defendant's motion to dismiss pursuant to Fed.R.Civ.P. 12(b) (6) is GRANTED and Plaintiff's objections are DENIED.

By Order,

  
\_\_\_\_\_  
Deputy Clerk

ENTER:



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William E. Smith  
United States District Judge

Date: 3/28/06